

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE DISTRICT COUNCIL NO.)
14 METAL POLISHERS et al)
)
Plaintiffs,) No. 23 -cv-01139
)
) Judge Chang
v.)
)
THE STONE AND METAL GROUP, LLC, a)
Delaware limited liability company,)
)
Defendant.)

PLAINTIFFS' MOTION FOR JUDGMENT IN A SUM CERTAIN

Plaintiffs, by and through their attorneys, DONALD D. SCHWARTZ, JAMES R. ANDERSON, BRIAN C. JAMES, GRANT R. PIECHOCINSKI and ARNOLD AND KADJAN, LLP, move this Court to enter an order of default against the Defendant and judgment in a sum certain. In support of their Motion, the Plaintiffs state as follows:

1. This is an action for the recovery of delinquent contributions and other charges due and owing as a result of the breach of collective bargaining agreements, Declarations of Trust, and applicable provisions of ERISA.
2. Defendant, The Stone and Metal Group LLC, a Delaware limited liability Company, was served with the Summons and Complaint on March 7, 2023. The Defendant was defaulted by order of this Court on April 19, 2023.
3. Several attempts to resolve this cause via a payment plan have failed.
4. According to the Affidavit of Richard Wolf, attached hereto as Exhibit 1, based upon the findings of an audit for the period from October 1, 2022 through May 31, 2023, the Defendant owes \$26,987.95, as fully set forth in paragraph 5 of his Affidavit, consisting of

\$21,232.08 in contributions, \$3,184.81 in liquidated damages, \$22.79 for discrepancies in contributions, \$1,472.02 for unpaid liquidated damages, and \$1,076.25 for audit costs.

5. Subsequent to the issuance of the audit report, Defendant paid \$8,264.98 in contributions. Those payments reduce the total amount owed on the audit to \$18,722.97.

6. According to the Declaration of James R. Anderson, attached hereto as Exhibit 2, Plaintiffs have incurred at least \$2,437.00 in attorneys' fees and costs for filing fees and service of process during the prosecution of this cause, which are recoverable pursuant to ERISA.

7. The sum of the amounts owed in paragraphs 6 and 8 is \$21,159.97.

WHEREFORE, Plaintiffs pray that this Court grant the following relief:

A. Enter an order of default against the Defendant; and

B. Enter final judgment in favor of Plaintiffs and against the Defendant, The Stone and Metal Group, in the amount of \$21,159.97.

Respectfully submitted,

s/s James R. Anderson
By: One of Plaintiffs' attorneys

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE DISTRICT COUNCIL NO.)
14 METAL POLISHERS 401(K) RETIREMENT)
PLAN FUND; and TRUSTEES OF THE)
CHICAGO PAINTERS AND DECORATORS)
WELFARE FUND)
)
Plaintiffs,) Case No. 23-cv-01139
v.)
) Judge: Edmond E. Chang
THE STONE AND METAL GROUP, LLC, a)
foreign limited liability company,)
)
Defendant.)

CERTIFICATE OF SERVICE

TO: Nicholas Baker
The Stone and Metal Group, LLC
1624 S. Clinton
Chicago, IL 60616

That the undersigned, an attorney of record, hereby certifies that the Plaintiffs' Motion for Judgment in a Sum Certain was mailed to the following on September 14, 2023:

Nicholas Baker
The Stone and Metal Group, LLC
1624 S. Clinton
Chicago, IL 60616

TRUSTEES OF THE DISTRICT COUNCIL NO.
14 METAL POLISHERS 401(K) RETIREMENT
PLAN FUND ET AL

By: /s/James R. Anderson

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